IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.59688-M of 2006
Date of Decision:- 17.07.2007

Gurbax Singh ....Petitioner(s)

through
Mr.Amit Parashar, Advocate

vs.

State of Punjab & ors. ....Respondent(s)

through
Mr.Rajesh Bhardwaj, DAG, Punjab.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J. (ORAL)

The prayer in this petition is to entrust the investigation of D.D.R.No.No.32 dated 2.5.2006 recorded at Police Station, Sadar Khanna, to some independent agency.

The above-stated DDR pertains to the unfortunate unnatural death of young son of the petitioner, namely, Pritpal Singh @ Prithi. While the petitioner alleges that his above-stated son was murdered on account of the motive explained by him, the Police Authorities especially the Superintendent of Police (Detective), Khanna vide his report dated 23.1.2007 (Annexure R-3/T) has concluded that the petitioner's son committed suicide by consuming some poisonous substance.

I have heard learned counsel for the parties and perused the above-stated enquiry report. The photographs of the alleged dead body of the petitioner's son have also been perused.

Though it is not desirable or expedient to express any views on the merits of the case, more so when the conclusions in relation to such questions are to be arrived at by the Investigating Agency on the basis of material collected by it during the course of investigation, however, *prima facie,* it appears that the son of the petitioner was subjected to severe bodily injuries before he died. If that were the fact, it belies the theory of commission of suicide by the deceased. The motive part highlighted by the petitioner also deserves a close scrutiny, especially when it appears to have been supported by a few witnesses, a reference to which finds mention in the above-mentioned enquiry report.

As a cumulative effect of the above discussion, it appears desirable that the matter pertaining to the unnatural death of the petitioner's son be re-investigated by some independent agency like the Crime Branch of the Punjab Police.

Consequently, this petition is allowed to the extent that Respondents No.1 and 2 are directed to hand over the records of D.D.R.No. 32 dated 2.5.2006 recorded at Police Station, Sadar Khanna to the Additional Director General of Police (Crime) Punjab, who shall further entrust the investigation to an officer of the Crime Branch not below the rank of Dy.S.P. The Investigating Officer is directed to carry out the investigation and submit his report within a period of three months from the date of receipt of certified copy of this order.

July 17, 2007 **(SURYA KANT)**
poonam **JUDGE**